

CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE

Asian Pacific Environmental Network • Center for Community Action & Environmental Justice • Center on Race, Poverty & the Environment
Communities for a Better Environment • Environmental Health Coalition • People Organizing to Demand Environmental & Economic Rights
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October 16th, 2012

John B. Faust, Ph.D., Chief
Community Assessment and Research Section
Office of Environmental Health Hazard Assessment
1515 Clay St., Suite 1600
Oakland, CA 94612

Re: Comments on Cal-EnviroScreen

Dear Mr. Faust,

On behalf of the California Environmental Justice Alliance (CEJA), Black Women for Wellness, and Californians for a Healthy and Green Economy (CHANGE), and Bay Area Environmental Health Coalition (BAEHC) we respectfully submit the following comments on the Office of Environmental Hazard Assessment (OEHHA)'s recently released California Communities Environmental Health Screening Tool (Cal-EnviroScreen). CEJA is a statewide coalition of six grassroots, community-based organizations throughout California. Our members are: Asian Pacific Environmental Network, Center on Race, Poverty and the Environment, Center for Community Action and Environmental Justice, Communities for a Better Environment, Environmental Health Coalition and People Organizing to Demand Environmental and Economic Rights (PODER). We organize in communities most impacted by environmental pollution – low-income communities and communities of color – and push for statewide policies that protect public health and the environment.

We appreciate the hard work of OEHHA and the California Environmental Protection Agency (CalEPA) to move forward with developing a tool to identify communities that face high cumulative impacts. Cumulative Impacts (CI) is one of the most persistent and devastating issues in environmental justice communities. Low-income communities and communities of color across California are bombarded on a daily basis with emissions from toxic industries, surrounded by hazardous land-uses, and struggling with high poverty rates. These residents are forced to be experts on CI because of the reality they face every day. We work directly with these experts, and have invested years in understanding and developing cumulative impact methodologies.

We offer the following recommendations and comments with the hope that together we can begin the important work of improving the environment and quality of life in environmental justice communities across California.

Overview of recommendations to CalEPA

- **We recommend strong and immediate action on the issue of cumulative impacts.** It is a critical issue facing low-income communities and communities of

color overburdened by pollution, and there is ample documentation within statewide policy documents and statute, as well as robust scientific backing, to support action on Cumulative Impacts.

- **We urge CalEPA to adopt the Environmental Justice Screening Methodology (EJSM)** for use in statewide policy. The EJSM is a highly regarded tool that has had significant community input and is ready to go. Using it will ensure the state of California saves time and money, while using the best available science, to address cumulative impacts.
- **CalEPA should move to policy implementation right away.** The most important next step we can take to advance environmental justice and the science of cumulative impacts is to start using a methodology in policy implementation as soon as possible.
- **We are concerned with several methodological aspects of Cal-EnviroScreen.** Below, we have outlined the areas within Cal-EnviroScreen that we feel need improvement.
- **CalEPA should improve transparency and environmental justice representation within the process of tool development and implementation.** Specifically, OEHHA should release the total Cumulative Impact maps, instead of just the component maps, and should work with a more contemporary and renewed list of environmental justice groups to guide future tool use and development.

Recommendations to CalEPA

We support the use of Cumulative Impact tools in statewide policy; the time has come to take action on this critical issue. Environmental justice communities and advocates have called for action on Cumulative Impacts for years, and the state of California has identified the issue as critical to environmental justice communities since 2004. Communities across California need and deserve action to address this persistent and devastating issue, and adoption and use of a statewide tool to identify communities that face disproportionate burdens is a critical first step to addressing entrenched environmental justice issues throughout the state.

We have consistently heard from policymakers that they cannot incorporate cumulative impacts into policy-making because of a perceived lack of rigorous methodologies and science to identify communities that face disproportionate impacts. But we now have scientifically rigorous methodologies to effectively identify communities that face disproportionate burdens. Like all science, the field of Cumulative Impact assessment is constantly evolving, but the best next step is to begin using the tool in state policy forums as soon as possible. This will be critical to assessing its accuracy and effectiveness.

CEJA recommends that CalEPA adopt the Environmental Justice Screening Methodology (EJSM) for use in statewide policy, with flexibility to use regionally-appropriate screening tools such as the Cumulative Environmental Vulnerability Assessment (CEVA) where needed, such as in Central Valley-specific contexts. We strongly support these tools for several reasons:

- They represent the best available science on cumulative impact screening. The EJSM has been peer-reviewed and is regarded as one of the leading tools in the country.
- There has been extensive community engagement in the development of both tools. The researchers have worked with communities to solicit feedback and incorporate

the expertise of those who understand environmental justice the best: residents in overburdened communities across California.

- The models have both been field-tested. The EJSM alone has been tested in 22 communities across California, sometimes on multiple occasions.
- Because these two models are “ready-to-go,” using the EJSM and CEVA allows us to move towards implementation much more quickly, which is the most important step.
- Engaging in a time consuming process to finalize Cal-EnviroScreen when there are at least two other scientifically-peer reviewed models available for implementation is a poor use of limited resources.

The most important next step we can take to advance environmental justice and the science of cumulative impacts is to start testing the methodologies in policy implementation. We believe the ultimate goal in developing any tool should be to apply the best-available science within policy to improve neighborhoods identified as overburdened.

We believe accurate identification of highly impacted communities will pave the way to transforming these areas into healthy, thriving neighborhoods. These areas have been neglected and overlooked for too many years, and dedicated attention is needed to ensure they get support to develop solutions to environmental, public health and poor land-use planning issues. Use of the EJSM at CalEPA will support community-driven planning efforts, help target resources for cleanup, and encourage sustainable, community-led development, clean energy, and public transportation in overburdened areas. CalEPA should partner with CEJA and other community-based organizations to realize these potential uses.

Cal-EnviroScreen currently does not include aspects critical to an effective Cumulative Impact tool. We have identified the following components that are missing and/or inadequate in the tool:

1. *The geographic scale does not effectively identify highly impacted communities.* Use of zip codes as the geographic unit of analysis will “wash out” environmental justice communities. Zipcodes generally encompass a large geographic that contains both impacted and unimpacted communities; this is abundantly clear in the case of National City. The zipcode for National City includes the highly impacted community of National City, but also includes a large swathe of urban area that is *not* highly impacted. We have seen this same phenomenon over and over in the Central Valley, where entire Counties are identified as highly impacted, rather than providing an analysis that drills down to specific areas in need. Zip codes as a geographic scale will lead to an over-identification of communities rather than a focus on those communities that are most highly impacted, and we strongly urge Cal-EnviroScreen to use Census Tracts instead.
2. *There is no assessment of environmental hazards in proximity to sensitive sites, which is critical to cumulative impact analysis.* Without this indicator, Cal-EnviroScreen not only overlooks land-use issues, it will overlook hazardous facilities or emissions that are directly outside of a geographic unit of analysis. Inappropriate land-use that place hazardous facilities near residential areas and

sensitive sites such as schools and health care centers is a major driver in creating and exacerbating disproportionate burdens. While Cal-EnviroScreen does include a buffer zone around the Toxic Release Inventory data, buffer zones are not used consistently throughout the exposure or environmental effects indicators, and even this approach does not fully capture the range of land-uses impacting one particular geographic area. The EJSM uses a unique and very effective system for analyzing the proximity of hazardous sites to sensitive receptors, based on definitions created by the California Air Resources Board, and we strongly recommend inclusion of the EJSM's land-use methodologies.

3. *Critical sources of environmental pollution are currently missing:*
 - a. Ports, railyards, airports, and shipyards are well-documented sources of pollution that can have significant impacts on air quality, but are not included in the tool. We recommend these facilities be included.
 - b. Cal-EnviroScreen fails to capture many of the "smaller" sources of pollution, such as autobody shops. Inclusion of land-use or databases such as the National Air Toxics Assessment could partially address these smaller sources of pollution that are prevalent in many environmental justice communities. We recommend inclusion of the NATA database as an indicator in Cal-EnviroScreen.
4. *Diesel emissions and concentrations must be included.* Diesel is a key pollutant in environmental justice communities throughout the state, particularly those who are impacted by the transport of goods or live along highway corridors. While the tool does include a traffic indicator, it broken down by types of vehicle, such as trucks. We recommend Cal-EnviroScreen incorporate a diesel-specific indicator.
5. *Pesticides use in rural areas is a necessary component Cal-EnviroScreen.* In the absence of accurate pesticide exposure data, we feel that pesticide use is an appropriate proxy.
6. *A drinking water contamination indicator should be added.* We understand OEHHA plans to add such an indicator, and we strongly support this. Drinking water contamination is a critical issue in many rural low-income communities and communities of color.
7. *The tool should be scalable.* For maximum usefulness for communities and local governments, the tool should have a scalable ranking system, so that it can be applied at statewide, regional, citywide, or smaller scales, depending on how it will be used.
8. *It should use a simplified system of addition to develop scores.* The current system weights certain components/indicators over others, but the reasoning for the weighting is not clearly explained in the report. The multiplication of one set of components by one another is also not clearly explained. A more straightforward system of adding indicator scores to tally a total score would make the tool more transparent while still achieving the desired result.

9. *The public health indicators should be revised in the following ways:*
- a. The indicators should use incidence rates, instead of mortality rates, for the heart disease and cancer indicators. Using mortality rates for heart disease and cancers captures a small fragment of the number of people who have these diseases. People have increase public health vulnerability regardless of whether they die of the disease or not, and capturing the rate of incidence more accurately reflects this burden. Additionally, people who suffer from cancer are often impacted by a complicating disease that gets recorded as the official cause of death, thus allowing the actual mortality rate to be underestimated.
 - b. Infant mortality rates should be included.
 - c. OEHHA should work closely and share data with the California Environmental Health Tracking program to incorporate more public health indicators and identify state and local public health data sources.
10. *Linguistic isolation as a social vulnerability indicator should be included.* Many of our communities are monolingual and information on hazards, emergencies, etc rarely reaches them. The August 2012 explosion at the Chevron refinery in the environmental justice community of Richmond is a perfect example of how linguistic isolation can increase vulnerability. The multiple language warning system that community residents fought hard for didn't even work, so many Laotian, Mien and Spanish speakers were left without warning or instructions on how to protect themselves. Linguistic isolation has been strongly linked to increased vulnerability, and we recommend its inclusion as social vulnerability indicator.
11. *The development process for Cal-EnviroScreen does not include a significant community engagement component.* Both the EJSM and CEVA models worked with community groups to meaningfully engage residents, organizers and advocates in tool development. While the regional workshops were a step in the right direction, there must be a more targeted effort to work directly with highly impacted communities to ensure feedback is incorporated into the model and that it accurately captures conditions on-the-ground. We recommend Cal-EnviroScreen create more significant opportunities to engage environmental justice communities in methodology development, testing and use.

CalEPA should improve transparency and environmental justice representation within the process of tool development and implementation. One of the most important measures of Cal-EnviroScreen is whether it accurately identifies communities that suffer disproportionate impact of environmental burdens. However, we are unable to assess whether the tool accurately identifies environmental justice communities without seeing the total Cumulative Impact maps and scores. The components should be assessed not just on their individual, scientific merit, but the overall tool should also be assessed based on how the components add up to produce a cumulative score. We urge OEHHA to release the total cumulative impact scores and maps, in addition to the component scores and maps.

Moving forward, we encourage CalEPA to work directly with environmental justice community groups. The current Cumulative Impact/Precautionary Approach Work Group was established many years ago and is not reflective of the current environmental justice movement or community. The environmental justice community members and representatives from community-based organizations who are working on a daily basis to improve overburdened communities are the true experts on cumulative impacts, and we urge you to work directly with these experts to guide tool use and future development.

Thank you for the opportunity to submit these comments. We look forward to continued work with CalEPA and OEHHA to address environmental justice issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Vanderwarker". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Jose Bravo
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